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| APPLICATION NO.       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------|-------------|----------------------|---------------------|------------------|
| 10/043,213            | 01/14/2002  | Kazuhiro Sakata      | 8006-1002           | 6194             |
| 466                   | 7590        | 09/21/2005           | EXAMINER            |                  |
| YOUNG & THOMPSON      |             |                      | JEAN GILLES, JUDE   |                  |
| 745 SOUTH 23RD STREET |             |                      |                     |                  |
| 2ND FLOOR             |             |                      |                     |                  |
| ARLINGTON, VA 22202   |             |                      | ART UNIT            | PAPER NUMBER     |
|                       |             |                      | 2143                |                  |

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                 |                  |
|------------------------------|---------------------------------|------------------|
| <b>Office Action Summary</b> | Application No.                 | Applicant(s)     |
|                              | 10/043,213                      | SAKATA, KAZUHIRO |
|                              | Examiner<br>Jude J. Jean-Gilles | Art Unit<br>2143 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/12/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This Action is in regards to the Reply received on 06/28/2005.

### ***Response to Amendment***

1. This action is responsive to the application filed on 06/28/2005. Claims 1-10, and 12-23 were amended. No new claims are added. Claims 1-23 are pending. Claims 1-23 represent a method and apparatus for "message reception and program for receiving the message ."

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-10, and 12-23 have been carefully considered, and are fully persuasive. New ground of rejection is necessitated by the lack of persuasion in the First Office Action.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Rubin et al (Rubin), Patent No. 6,108,365.

Regarding **claim 1**, Rubin discloses a message reception device comprising:

a portable message reception means for receiving a message through a network (fig.2, item 12; column 10, lines 39-48);

message filter means for screening messages for a valid range including a valid geographic position range from said received messages, to identify a message with a valid geographic position range (column 11, lines 14-45; column 27, lines 10-65);

positioning means for measuring a current geographic position of the message reception means (column 11, lines 14-45; column 27, lines 10-65);

message delivery assessment means for assessing whether the current geographic position is within the geographic position range of the identified message (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62); and

message delivery means delivering the identified message received by said message reception means or selected by said message delivery assessment means to a user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

wherein, upon the current geographic position being determined to be within the geographic position range, the identified message is delivered to the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 2**, Rubin discloses a message reception device as set forth in claim 1:

further comprising message storage means for storing the identified message,  
and

wherein the valid geographic position range comprises a fixed geographic position and  
a distance from the fixed geographic position (column 11, lines 14-45; column 27, lines  
10-65; column 28, lines 1-62).

Regarding **claim 3**, Rubin discloses a message reception device as set forth in  
claim 1, wherein the screening of the messages for a valid range by said message filter  
means is targeted to messages satisfying a predetermined condition (column 11, lines  
14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 4**, Rubin discloses a message reception device as set forth in  
claim 3, wherein the predetermined condition for screening the messages for a valid  
range by said message filter means, is a sender of the message with a valid range, the  
valid range being a message sender who is expected and who is not unwanted by the  
user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 5**, Rubin discloses a message reception device as set forth in  
claim 2, wherein

    said message storage means comprises clock means, said  
    clock means sets time limit of validity to the identified message, said clock means stores  
    time limit of validity, and said clock means deletes the identified message when the time  
    limit of validity has been exceeded (column 12, lines 40-67; column 13, lines 1-67).

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Regarding **claim 6**, Rubin discloses a message reception device as set forth in claim 5, wherein the time limit of validity is after a given time period from the time when the identified message is stored (column 12, lines 40-67; column 13, lines 1-67).

Regarding **claim 7**, Rubin discloses a message reception device as set forth in claim wherein the time limit of validity is indicated in a validity information found within the identified message (column 12, lines 40-69; column 13, lines 1-67).

Regarding **claim 8**, Rubin discloses a message reception device as set forth in claim 1 wherein the assessment within the valid geographic position range said message delivery assessment means is performed to determine whether the measured current geographic position is within a predetermined radius centered on a center position of the valid geographic position range and the current geographic position is determined by a Global Positioning System (column 17, lines 30-67).

Regarding **claim 9**, Rubin discloses a message reception device set forth in claim 2 wherein, when receiving the identified message, said message filter means i) delivers the message by said message delivery means to the user, and ii) stores, in said message storage means, the identified message with a valid range if a content of the valid range is a content specified by the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 10**, Rubin discloses a message reception device as set forth in claim 1, wherein

    said message delivery means

        i) assesses whether a pointer external information, is included in the

information, pointing to identified message (column 17, lines 30-67);

- ii) upon determining the identified message includes the pointer information, obtains the information, pointed to by the pointer information, from the network (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62); and
- iii) delivers the obtained information to the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 11**, Rubin discloses a message reception device as set forth in claim 1, wherein

said message delivery means is a device separated from a main body of the message reception device (fig. 18; column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 12**, Rubin discloses a message reception method comprising the steps of :

at a portable reception device, receiving messages through a network (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

screening the received messages to identify messages with a valid range including a valid geographic position range and storing the identified messages including the corresponding valid geographic position ranges (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

measuring a current geographic position of the portable reception device (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

selecting, from the stored identified messages, a message with a valid geographic position range for which the measured current geographic position within valid geographic position range(column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62); and

delivering the selected message to user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

wherein, upon the current geographic position being determined to be within one of the stored valid geographic position ranges, the corresponding one of the stored messages is delivered to the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 13**, Rubin discloses a message reception method as set forth in claim 12, wherein the screening of the messages a valid range is targeted to messages satisfying a predetermined condition (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 14**, Rubin discloses a message reception method as set forth in claim 13, wherein the predetermined condition for screening is a sender of the message being included in a valid sender range (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 15**, Rubin discloses a message reception method as set forth in claim 12, wherein the message with a valid range is stored by setting a time limit of validity to the message with a valid range, and the message with a valid range whose

time limit of validity has been exceeded is deleted (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 16**, Rubin discloses a message reception method as set forth in claim 15, wherein the time limit of validity of the message with a valid range after a given time period from the time when the message a valid range is stored (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 17**, Rubin discloses a message reception method as set forth in claim 16, wherein the time limit of validity of the message with a valid range is the time limit indicated in the limit of validity information included within the message a valid range (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);.

Regarding **claim 18**, Rubin discloses a message reception method as set forth claim wherein the assessment within the valid range made whether the measured e-a current geographic position within a predetermined radius centered on a center position of the valid geographic position range (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 19**, Rubin discloses a message reception method as set forth in claim wherein the message received from said network is delivered user when the message is received, and the message is stored if the message includes a content within a valid range specified by the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 20**, Rubin discloses a message reception method as set forth in claim 12, wherein delivery of the message with valid range to a user is performed by

obtaining from the network external information pointed to by a pointer information when the pointer information included the message with valid range, and delivering the obtained information to the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 21**, Rubin discloses a program receiving messages which controls a computer to perform message reception processing, comprising the functions of:

at a portable reception device, a function of receiving a message through a network (fig.2, item 12; column 10, lines 39-48);

a function of screening received messages to identify messages with a valid range including a valid geographic position range(column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62); and

a function of storing an identified message with a valid geographic position range in a message storage unit, and delivering a message which was not identified to include a valid geographic position range to a user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 22**, Rubin discloses a program for receiving messages which controls a computer to perform message reception processing, comprising the functions of:

a function of measuring a current geographic position of the computer(column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

a function of selecting, from plural messages with corresponding valid geographic position ranges, a selected message based on the selected message having a valid geographic position range for which the measured current geographic position found to be within(column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62); and

a function of delivering the selected message to a user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 23**, Rubin discloses a program for receiving messages which controls a computer to perform message reception processing, comprising the functions of:

a function of receiving messages through a network (fig.2, item 12; column 10, lines 39-48);

a function of screening messages with valid range including a valid geographic position range from the received messages (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

a function of, storing the screened messages with a valid range in a message storage unit, and delivering message which was not screened and does not include a valid range a user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

a function of measuring a current geographic position of the computer (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

a function of selecting, from the stored messages, from the selected messages, a message with a valid range for which the measured current geographic position is within the valid geographic position range of the message (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62); and

a function of delivering the selected message to a user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

### ***Response to Arguments***

5. Applicant's Request for Reconsideration filed on 06/28/2005 has been carefully considered and is fully persuasive. However, this new NON\_FINAL REJECTION uses the prior art reference of Rubin et al Patent No. 6,108,365 to address all the point of contentions of the applicant's request for consideration.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE NON-FINAL.**
  
8. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-

3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

September 17, 2005



  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100